

JS 44 (Rev. 12/12)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> <b>STEVEN FLECK</b> 6006 Buckingham Drive Bensalem, PA 19020  <b>(b) County of Residence of First Listed Plaintiff</b> <u>Bucks County, PA</u> (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b> <b>CHRISTOPHER J. BRILL, ESQUIRE</b> 301 South State Street, Suite N105, Newtown, PA 18940 Tel. 215-860-2500	<b>DEFENDANTS</b> <b>HARRY SIERS</b> 2515 Chestnut Hill Drive Cinnaminson, NJ 08077  <b>County of Residence of First Listed Defendant</b> <u>Burlington County, NJ</u> (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known)
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)  <table style="width: 100%;"> <tr> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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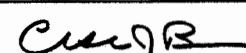
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice  <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

<b>V. ORIGIN</b> (Place an "X" in One Box Only) <input checked="" type="checkbox"/> Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) <input type="checkbox"/> 6 Multidistrict Litigation	
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<b>VI. CAUSE OF ACTION</b> Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>Diversity of citizenship: 28 U.S.C. § 1332</u> Brief description of cause: <u>Personal injuries arising out of a motor vehicle collision</u>	S.T.
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<b>VII. REQUESTED IN COMPLAINT:</b> <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. <b>DEMAND \$</b> <u>&gt; 150,000.00</u>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b> (See instructions): JUDGE _____ DOCKET NUMBER <u>FEB - 4 2016</u>	
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DATE 01/28/2016	SIGNATURE OF ATTORNEY OF RECORD CHRISTOPHER J. BRILL, ESQUIRE	
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FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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## UNITED STATES DISTRICT COURT

**GAM**  
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to a particular judge.

Address of Plaintiff: 6006 Buckingham Drive, Bensalem, Bucks County, PA 19020

16

0575

Address of Defendant: 2515 Chestnut Hill Drive, Cinnaminson, Burlington County, NJ 08077

Place of Accident, Incident or Transaction: Rockhill Drive, at or near its intersection with Neshaminy Boulevard in Bensalem Township,  
 Bucks County, Pennsylvania  
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
 Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
 (Please specify) \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☒ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) \_\_\_\_\_
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
 (Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Christopher J. Brill, Esquire, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

CJB

DATE: January 28, 2016

Christopher J. Brill, Esquire

PA 27535

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

CJB

DATE: January 28, 2016

Christopher J. Brill, Esquire

PA 27535

Attorney-at-Law

Attorney I.D.#

FEB - 4 2016



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

STEVEN FLECK  
6006 Buckingham Drive  
Bensalem, PA 19020

HARRY SIERS  
2515 Chestnut Hill Drive  
Cinnaminson, NJ 08077

:  
:  
:  
:  
:

CIVIL ACTION

**16 0575**  
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

January 28, 2016

Date

215-860-2500

Telephone

  
CHRISTOPHER J. BRILL, ESQ.

Attorney-at-law

215-860-6863

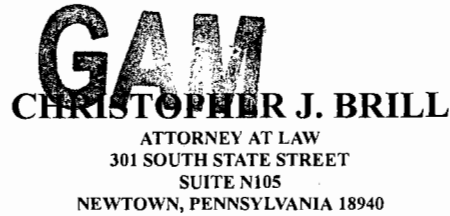
FAX Number

Plaintiff

Attorney for

brill\_law@verizon.net

E-Mail Address



TEL. (215) 860-2500  
FAX (215) 860-6863  
E-MAIL [brill\\_law@verizon.net](mailto:brill_law@verizon.net)

Board Certified Civil Trial Advocate  
National Board of Trial Advocacy  
Approved Agency of the Pennsylvania  
Supreme Court

February 1, 2016

16 0575

United States District Court  
Clerk's Office  
601 Market Street  
Room 2609  
Philadelphia, PA 19106

Re: Steven Fleck v. Harry Siers

Dear Sir or Madame:

Enclosed please the following:

1. Original Complaint on CD (pdf format);
2. Two (2) copies of Complaint in paper form;
3. Civil Cover Sheet;
4. Two (2) Designation Forms;
5. Case Management Track Designation Form;
6. Summons in Civil Action; and
7. Check in the sum of \$400.00 representing filing fee.

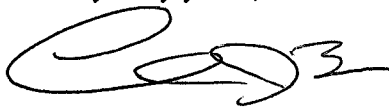
Kindly file the original documents and return the time-stamped copies to my office in the envelope provided.



United States District Court  
Clerk's Office  
February 1, 2016  
Page 2

Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CJB3', with a large loop at the beginning and a trailing flourish.

CHRISTOPHER J. BRILL

CJB/jad  
Enclosures  
cc: Mr. Steven Fleck

1400  
GAM

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL ACTION

1

STEVEN FLECK  
6006 Buckingham Drive  
Bensalem, PA 19020

NO.

vs.

HARRY SIERS  
2515 Chestnut Hill Drive  
Cinnaminson, NJ 08077

16

0575  
FILED

FEB 04 2016

TRIAL BY JURY  
OF TWELVE DEMYND  
MICHAEL E. KUNZ, Clerk  
Dep Clerk

COMPLAINT

1. Plaintiff, STEVEN FLECK, is an adult individual residing at 6006 Bensalem Boulevard, Bensalem, Bucks County, Pennsylvania 19020.
2. Defendant, HARRY SIERS, is an adult individual residing at 2515 Chestnut Hill Drive, Cinnaminson, New Jersey 08077.

Nature of the Case

3. Plaintiff brings this action for monetary damages on account of injuries sustained by plaintiff, STEVEN FLECK, resulting in injuries sustained in a motor vehicle collision which occurred on August 4, 2015 in Bensalem Township, Bucks County, Pennsylvania.

Jurisdiction and Venue

4. Jurisdiction is invoked pursuant to 28 U.S.C. § 1332 based upon diversity of citizenship, and the matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332.

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5. Venue is properly within the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391 since the subject motor vehicle collision occurred within the Eastern District of Pennsylvania.

**COUNT I - NEGLIGENCE**  
**STEVEN FLECK v. HARRY SIERS**

Factual Background

6. Plaintiff incorporates by reference paragraphs 1 through 5, supra, as fully as though the same were set forth herein at length.
7. On or about August 4, 2015 at approximately 8:55 p.m., plaintiff, STEVEN FLECK, was the operator of a motor vehicle which was traveling west on Rockhill Drive at or near its intersection of Neshaminy Boulevard in Bensalem Township, Bucks County, Pennsylvania.
8. At the time, date and place aforesaid, defendant HARRY SIERS was the operator of a motor vehicle which was traveling east on Rockhill Drive at or near its intersection with Neshaminy Boulevard in Bensalem Township, Bucks County, Pennsylvania.
9. At the time, date, and place aforesaid, defendant HARRY SIERS negligently and carelessly made a left hand turn onto Neshaminy Boulevard in front of plaintiff's motor vehicle causing a collision.

10. The negligence and carelessness of defendant, HARRY SIERS, consisted of any or all of the following:
- (a) Failing to have and keep his vehicle under proper or reasonable control;
  - (b) Operating his vehicle in a careless manner;
  - (c) Failing to maintain proper and reasonable diligence while using the highway;
  - (d) Operating his motor vehicle without due regard for the rights, safety and position of the plaintiff;
  - (e) Failing to remain alert and attentive under the circumstances;
  - (f) Failing to observe the rules of the road in such cases made and provided governing the movements of travelers on the highway;
  - (g) Operating his vehicle without observing and heeding the road and traffic conditions then and there existing;
  - (h) Operating his vehicle in a manner violating the statutes of the Commonwealth of Pennsylvania;
  - (i) Otherwise failing to execute due care under the circumstances;
  - (j) Being negligent at law; and
  - (k) Such other acts or omissions constituting negligence and/or carelessness as may be ascertained during discovery procedures or developed at the time of trial.



11. As a result of the aforesaid accident caused by the conduct of defendant as aforesaid, plaintiff, STEVEN FLECK, sustained serious personal injuries, including but not limited to the following: cervical strain and sprain; cervical radiculopathy; left arm and left hand pain; lumbar/thoracic radiculopathy/radiculitis; lumbar strain and sprain; and other ills and injuries, some of which may be permanent.
12. As a further result of the aforesaid accident, plaintiff, STEVEN FLECK, has undergone great physical pain and suffering, mental pain and suffering, emotional upset, worry, anxiety, apprehension, frustration, humiliation, embarrassment, inconvenience, and a general loss of pleasure and enjoyment of life, and will continue to endure same for an indefinite period of time in the future to his great detriment and loss.
13. As a further result of aforesaid, plaintiff STEVEN FLECK has been obliged to receive and undergo medical treatment and care and to incur various medical expenses for the injuries he suffered, and he may be required to undergo future medical treatment and incur future medical expenses.
14. As a further result of the aforesaid accident, plaintiff STEVEN FLECK has suffered a loss of earning capacity and may suffer a loss of future earnings and/or earning capacity.

WHEREFORE, plaintiff STEVEN FLECK demands damages from defendant HARRY SIERS in an amount in excess of \$150,000.00, exclusive of interest, costs and other items of recovery as permitted by Law.

/s/ Signature Code: CJB 5517

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CHRISTOPHER J. BRILL, ESQ.  
Attorney for Plaintiff  
301 South State Street, Suite N105  
Newtown, PA 18940  
Tel. (215) 860-2500  
Fax (215) 860-6863  
Email [brill\\_law@verizon.net](mailto:brill_law@verizon.net)  
I.D. No. PA27535